



**DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221**

October 15, 2019

Mr. Donald O'Connor
East Coast Utility
P.O. Box 3572
Williamsburg, VA 23187

Mr. O'Connor,

This letter responds to your October 7, 2019 justification request for a fee waiver as part of your Freedom of Information Act (FOIA) request assigned control number DLA-LANDM-2020-000072. We have reviewed the information provided in your request in determining your fee waiver request. In accordance with the Department of Defense, Freedom of Information Act Program Regulation, 32 CFR §286.12(l), when considering a fee waiver request, the requester must show, for all three criteria, the following:

- How disclosure of the requested information would shed light on the operations or activities of the Federal Government.
- How disclosure of the requested information would be likely to contribute significantly to public understanding of operations or activities of the Federal Government. The disclosure would contribute to the understanding of a reasonably broad audience of persons interested in the subject.
- How disclosure must not be primarily in the commercial interest of the requester.

DLA considers your ability and intention to effectively convey the requested information to the public as well as whether you have a commercial interest in the requested information.

Based on the information you have provided, the Defense Logistics Agency (DLA) has determined that you have not provided evidence to substantiate all three of the above requirements. As such, your fee waiver has been denied.

Please note that professional costs are \$48.00 per hour and \$.15 per page for the search and review of the records. You have been placed in the Commercial fee category. As you are not eligible for a fee waiver, you must provide us with an amount you are willing to pay, or you may request a fee estimate. If you do not respond, your request will be closed 5 business days following the date of this letter.

You have the right to dispute this fee waiver denial. You have the right to seek dispute resolution services from either the Office of Government Information Services (OGIS) or DLA FOIA Public Liaison. As part of the 2007 FOIA amendments, the OGIS was created to offer mediation services.

Similarly, as part of the FOIA Improvement Act of 2016, DLA established a FOIA Public Liaison to offer mediation services. Both OGIS and the DLA Public Liaison will assist in resolving disputes between FOIA requesters and DLA as a non-exclusive alternative to an appeal. Using OGIS or the DLA FOIA Public Liaison for mediation services does not affect your right to pursue an appeal nor does it stay the appeal clock. You may contact OGIS or the DLA Public Liaison at:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

DLA FOIA Public Liaison
Lewis Oleinick, CIPP/US/G
Defense Logistics Agency
Suite 1567, ATTN: J67C (IGC)
8725 John J. Kingman Rd.
Fort Belvoir, VA 22060-6221

E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

FOIA.Liaison@dla.mil
571-767-6194

You have the right to appeal this fee waiver denial. An appeal must be made in writing to the General Counsel and reach the General Counsel's Office within 90 calendar days from the date of this letter, and no later than 5:00 pm Eastern Standard Time. The appeal should include your reason(s) for appeal, the full FOIA control number (identified above) and a copy of this letter. An appeal may be submitted at <https://foiaonline.gov/foiaonline/action/public>, emailed to FOIA.liaison@dla.mil or mailed. Appeals are to be addressed to:

The Information Governance and Compliance Office
Defense Logistics Agency, Suite 1552
ATTN: J67C (FOIA/PA)
8725 John J. Kingman Road
Fort Belvoir, Virginia 22060-6221

If you have any questions concerning this response, please direct them to Tyler J. Stewart (FOIA Specialist) via e-mail to Tyler.Stewart@dla.mil or via telephone at 614-692-9066. Please include the **full FOIA control number** (identified above) in any subsequent communication regarding this request.

Sincerely,

TYLER J. STEWART
FOIA Specialist